

IN THE UNITED STATES DISTRICT COURT  
FOR THE OF ARIZONA

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

) No. MD-15-02641-PHX-DGC

) Civil Action No. 2:16-CV-00953-DGC

This Document Relates to: Cindy McKinzie

) **PLAINTIFF'S AMENDED MASTER**  
) **SHORT FORM COMPLAINT FOR**  
) **DAMAGES FOR INDIVIDUAL CLAIMS**  
) **AND JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Florence Edwards

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

~~Jeff M Edwards~~ Cindy McKinzie

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

~~N/A~~ Cindy McKinzie, administrator

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Texas

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of the injury:

Texas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

1           Texas

2           7. District Court and Division in which venue would be proper absent direct  
3           filing:

4           Western District of Texas – Austin Division

5           8. Defendants (check Defendants against whom Complaint is made):

6           X C.R. Bard Inc.

7           X Bard Peripheral Vascular, Inc.

8           9. Basis of Jurisdiction:

9           X Diversity of Citizenship

10          ☐ Other: \_\_\_\_\_

11          a. Other allegations of jurisdiction and venue not expressed in Master  
12          Complaint:

13          \_\_\_\_\_  
14          \_\_\_\_\_  
15          \_\_\_\_\_

16          10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making  
17          claim (Check applicable Inferior Vena Cava Filter(s)):

18          X Recovery® Vena Cava Filter

19          ☐ G2® Vena Cava Filter

20          ☐ G2® Express (G2® X) Vena Cava Filter

21          ☐ Eclipse® Vena Cava Filter

22          ☐ Meridian® Vena Cava Filter

23          ☐ Denali® Vena Cava Filter

24          ☐ Other: \_\_\_\_\_

25          11. Date of Implantation as to each product:

26          On or about April 12, 2005

27          \_\_\_\_\_

28          12. Counts in the Master Complaint brought by Plaintiff(s):

- 1 X Count I: Strict Products Liability – Manufacturing Defect
- 2 X Count II: Strict Products Liability – Information Defect (Failure to
- 3 Warn)
- 4 X Count III: Strict Products Liability – Design Defect
- 5 X Count IV: Negligence – Design
- 6 X Count V: Negligence – Manufacture
- 7 X Count VI: Negligence – Failure to Recall/Retrofit
- 8 X Count VII: Negligence – Failure to Warn
- 9 X Count VIII: Negligent Misrepresentation
- 10 X Count IX: Negligence *Per Se*
- 11 X Count X: Breach of Express Warranty
- 12 X Count XI: Breach of Implied Warranty
- 13 X Count XII: Fraudulent Misrepresentation
- 14 X Count XIII: Fraudulent Concealment
- 15 X Count XIV: Violation of Applicable Texas
- 16 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
- 17 Practices
- 18 X Count XV: Loss of Consortium
- 19 ~~X~~ Count XVI: Wrongful Death
- 20 ~~X~~ Count XVII: Survival
- 21 X Punitive Damages
- 22 ☐ Other(s): All claims for relief set forth in the Master Complaint for
- 23 an amount to be determined by the trier of fact.
- 24 \_\_\_\_\_
- 25 \_\_\_\_\_
- 26 \_\_\_\_\_
- 27 \_\_\_\_\_
- 28 \_\_\_\_\_

1  
2 13. Jury Trial demanded for all issues so triable?

3 X Yes

4 ☐ No

5 ~~Respectfully submitted this 5th day of April, 2016~~

6 ~~Jeff M Edwards, Plaintiff~~

7 ~~By: /s/ Jeff M Edwards~~

8 ~~Jeff M Edwards~~

9 ~~13785 Research Blvd~~

10 ~~Suite 125~~

11 ~~Austin, TX 78750~~

12 ~~Phone: (512)300-7555~~

13 ~~Email: JeffEdwards777@Gmail.com~~

14 ~~Plaintiff filing Pro Se~~

15 RESPECTFULLY SUBMITTED November 29, 2016.

16  
17 By: /s/ Richard S. Lewis

18 Richard S. Lewis

19 Steve Rotman

20 Braden Beard

21 HAUSFELD LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 29, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Richard S. Lewis

Richard S. Lewis